

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America,)	
)	
Plaintiff,)	
)	
v.)	Civil No.
)	
Nine Hundred Forty One Thousand Nine Hundred)	JURY TRIAL REQUESTED
Ninety-Four Dollars (\$941,994.00), in U.S.)	
Currency, more or less, seized from Andres)	
Lopez Gomez;)	
)	
Defendant <i>in rem</i>)	
_____)	

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM*,
FOR PROPERTY WITHIN THE UNITED STATES' POSSESSION, CUSTODY
OR CONTROL PURSUANT TO SUPPLEMENTAL RULE G**

Plaintiff, United States of America, brings this Complaint in accord with Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

NATURE OF THE ACTION

This is an action to forfeit and condemn to the use and benefit of the United States of America the captioned defendant *in rem*, for violations of 21 U.S.C. § 881(a)(6).

JURISDICTION AND VENUE

The United States brings this action *in rem* in its own right to forfeit and condemn the defendant property pursuant to 21 U.S.C. § 881. The Court has jurisdiction over this action under 21 U.S.C. §§ 1345 and 1355. Venue is proper in this district pursuant to 28 U.S.C. §§ 1395 and 1355(b)(1)(A) and (B).

The Court has *in rem* jurisdiction over the property under 28 U.S.C. § 1355(b).

THE DEFENDANT *IN REM*

The defendant *in rem* consists of the following property: Nine Hundred Forty One Thousand Nine Hundred Ninety-Four Dollars (\$941,994.00) in US Currency, more or less, seized from Andres Lopez Gomez. The defendant *in rem* is currently in the custody of the U.S. Marshals Service.

FACTS

1. In December 2016, Andres Lopez Gomez became the target of a drug investigation. On December 6, 2016, Lopez used a runner to distribute drugs to an undercover officer. The quantity of drugs sold was 19.438 grams of fentanyl in exchange for \$700 in US Currency.
2. On December 15, 2016, Lopez used a runner to distribute drugs to an undercover officer. The quantity of drugs sold was 48.479 grams of fentanyl in exchange for \$1500 in US Currency.
3. On January 11, 2017, Lopez used a runner to distribute drugs to an undercover officer. The quantity of drugs sold was 48.064 grams of fentanyl in exchange for \$1500 in US Currency.
4. On May 2, 2017, law enforcement officers executed a state search warrant at the residence of Andres Lopez Gomez, 167 East Street (left and right side apartments), Methuen, Massachusetts, following his arrest there.
5. The defendant *in rem* \$941,994.00 in US Currency was found distributed around 167 East Street.
6. \$32,980.00 in US Currency was located in a Nike shoe box on the floor of a room on the 2nd Floor, right-side apartment.
7. \$18,980.00 in US Currency was located in a Sentry Safe in the closet in the 2nd Floor,

left side apartment

8. \$484.00 in US Currency was obtained from Lopez Gomez's wallet which was on his person at the time of arrest.

9. \$6,375.00 in US Currency was located in a bedroom closet in a jacket pocket on the 2nd Floor, right side apartment.

10. \$24,000 in US Currency was located in a black plastic bag located in the ceiling of the sneaker room on the 2nd Floor, right side apartment.

11. \$109,339.00 in US Currency was located in a shoe rack box in the rear hallway of the residence.

12. \$339,840.00 in US Currency was located in a "Swagtron" box in the rear hallway of the residence.

13. \$410,005.00 was located in a trash can in the rear hallway of the residence.

14. Investigators also found approximately 951 grams of Fentanyl on the 2nd Floor, right-side apartment, in multiple rooms along with packing material. Approximately 40lbs of marijuana, including one unopened bale and one opened bale, and five bags were located in the ceiling of the rear hallway. Numerous cellphones were also seized on the left and right side of the apartment. One of the phones had a number that was associated with drug transactions conducted during the investigation. Two firearms were located and seized, one of which was located with the Marijuana in the rear hallway ceiling.

15. On May 31, 2017, Andres Lopez Gomez was indicted in the District of New Hampshire for federal controlled drug offenses.

CLAIM FOR FORFEITURE

16. The allegations contained in paragraphs 1 through 15 of this Verified Complaint for Forfeiture *in rem* are incorporated by reference.

17. Title 21, U.S.C. § 881(a)(6) subjects to forfeiture “all moneys ... or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or ... all proceeds traceable to such an exchange and all moneys ... used or intended to be used to facilitate any violation of” the Controlled Substances Act.

18. The defendant *in rem*, Nine Hundred Forty One Thousand Nine Hundred Ninety Four-Dollars (\$941,994.00) in US Currency was furnished or intended to be furnished in exchange for a controlled substance, in violation of the Controlled Substances Act, 21 U.S.C. § 801, et seq., or represents proceeds traceable to such exchanges, or money used or intended to be used to facilitate violations of the Act. 19. As a result, the defendant *in rem* is liable for condemnation and forfeiture to the United States for its use in accordance with 21 U.S.C. § 881(a)(6).

Therefore, the United States requests that:

(a) the Court issue a Warrant of Arrest *in Rem* in the form submitted with this Verified Complaint to the United States Marshal commanding him to arrest the defendant *in rem*;

(b) this matter be scheduled for a jury trial;

(c) judgment of forfeiture be decreed against the defendant *in rem*;

(d) the defendant *in rem* be disposed of according to law; and,

(e) this Court grant the United States of America its costs and whatever other relief to which it may be entitled.

Respectfully submitted,

JOHN J. FARLEY
Acting United States Attorney

Dated: June 23, 2017

By: /s/ Robert J. Rabuck
Robert J. Rabuck
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VERIFICATION

I, Patrick Broderick, being duly sworn, depose and say that I am a Task Force Officer with the United States Department of Justice, Drug Enforcement Administration (DEA), and as such have responsibility for the within action, that I have read the contents of the foregoing Verified Complaint for Forfeiture *in rem* and know the contents therein, and that the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are official records and files of the United States and the State of New Hampshire, and information obtained by me and other law enforcement officers during an investigation of alleged violations of the controlled substances laws of the State of New Hampshire and of the United States.

/s/ Patrick Broderick
Patrick Broderick

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Subscribed and sworn to before me this 23rd day of June, 2017.

/s/Joan E. Hederman

Notary Public

My commission expires: May 6, 2020